

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL ACTION NO. 05-30002-MAP
	)	
FRANK DEPERGOLA and	)	
ARMANDO BOTTA,	)	
Defendants	)	

DEFENDANT, FRANK DEPERGOLA'S RENEWED MOTION TO EXTEND  
SELF SURRENDER DATE

Now comes the defendant, Frank Depergola, and moves this Honorable Court to extend the date for self surrender to January 5, 2006.

As reasons therefore, please see Affidavit of Counsel attached hereto.

Date: December 22, 2006

The Defendant,

/s/ Michael L. Foy  
Michael L. Foy, Esq.  
935 Main Street, Ste 203  
Springfield, MA 01103  
(413) 781-1106  
BBO#176920

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AFFIDAVIT OF COUNSEL

I, Michael L. Foy, being duly sworn, say and depose as follows:

1. I am an attorney in good standing licensed to practice law in the United States District Court located in Springfield, Massachusetts.
2. I am counsel of record for the defendant, Frank Depergola.
3. On October 18, 2006, the defendant was before the Honorable Judge Michael A. Ponsor for sentencing. The defendant received a sentence that included 24 months incarceration with a recommendation that the sentence be served at the federal institution at Ft. Devens.
4. The defendant was ordered to self surrender on December 27, 2006 before 2:00 p.m.
5. As of this date, Mr. Depergola has not received any documentation or information from the Bureau of Prisons or the Marshall's Office relative to a reporting destination.
6. The instructions he received indicate that he is to give a 7 day notice to the Marshall's office of his destination for the purposes of serving his sentence.
7. Because the defendant has not yet received documentation or telecommunication from the Bureau of Prisons designating confirmation that he is to self surrender at Ft. Devens, an extension for self surrender appears to be in order to assure assignment to Ft. Devens.

8. Further, as a result of receiving no communication to date, the defendant has no knowledge of his obligations at this time.
9. The defendant is respectfully requesting that he be allowed to self surrender on Friday, January 5, 2007.

Signed under the pains and penalties of perjury this 22<sup>nd</sup> day of December, 2006.

/s/ Michael L. Foy  
Michael L. Foy